



W.P(MD)No.8729 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.8729 of 2024

Mohamed Yusur Sowkath Ali Jaburulla

: Petitioner

Vs.

- 1.The Government of Tamil Nadu rep.by
The Principal Secretary to Government,
Department of Home (Police),
Chennai.
- 2.The Deputy Superintendent of Police,
Economic Offences Wing, Trichy District.
- 3.The Inspector of Police,
District Crime Branch,
Thanjavur District.
- 4.The Competent Authority under TNPID Act,
Revenue Divisional Officer,
Trichy District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to pass notification and to appoint competent authority as per Section 4 of TNPID Act for attachment of properties and seized liquid cash of the accused persons.



W.P(MD)No.8729 of 2024

For Petitioner : Mr.M.Subash Baby, Senior Counsel,
for Mr.S.Tamilarasan.

For Respondents : Mr.M.Muthu Manikkam,
Government Advocate (Civil Side),
for R1 & R4.

: Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.
for R2 & R3.

ORDER

This Writ Petition has been filed seeking orders to direct the first respondent to pass notification and to appoint competent authority as per Section 4 of TNPID Act for attachment of properties and seized liquid cash of the accused persons.

2.It is not in dispute that originally FIR came to be registered in Crime No.18 of 2021 on the file of the District Crime Branch, Thanjavur on 20.07.2021 and subsequently, the same was transferred and fresh FIR came to be registered in Crime No.3 of 2021 on the file of the EOW, Trichy on 15.11.2021 and that thereafter, the case was transferred to the EOW, Thanjavur.



W.P(MD)No.8729 of 2024

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3. The learned counsel for the petitioner would submit that though FIR came to be registered in 2021 and the accused were arrested and released on bail, the respondent police have not taken further action; that they have not even taken steps for the issuance of Government Order for attaching both the movable and immovable property belonging to the accused.

4. The second respondent has filed a counter affidavit, wherein he has stated that they have sent a proposal for attaching 37 Bank accounts on 07.11.2023 and another proposal for attaching the movable properties (Gold & Silver) on 13.12.2023 and two other proposals for attaching the movable properties and the vehicles on 20.01.2024 to get government order through ADGP, EOW, Chennai and it has been further stated in the counter affidavit that based on the materials and the data collected by the investigation team, a preliminary charge sheet has been preferred, that the accused collected Rs.33,51,59,500/- from 168 depositors and that they are working towards the welfare of the depositors and when the Government passes the G.O for Ad-Interim attachment of properties, the DRO, Thanjavur, who is the competent authority for Thanjavur District,



W.P(MD)No.8729 of 2024

Economic Offences Wing cases will take necessary steps to make the Ad-interim attachment of properties absolute and then conduct auction proceedings.

5. As rightly pointed out by the learned counsel for the petitioner, though a proposal was sent as early as on 07.11.2023, according to the prosecution, Government Orders are yet to be issued.

6. Considering the above and taking note of the averments raised in the counter statements, the first respondent is directed to issue Government Order in pursuance of the proposal sent by the Deputy Superintendent of Police, Economic Offences Wing, Thanjavur within a period of two months from the date of receipt of copy of this order.

7. With the above direction, this writ petition stands disposed of.

No costs.

26.09.2024

NCC : Yes/ No
Index : Yes/No
Internet : Yes/ No
das



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Trichy District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P(MD)No.8729 of 2024

K.MURALI SHANKAR, J.

das

Order made in
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